

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 15-08342 CA 08

DR. JAMES McDONOUGH,

Plaintiff,

vs.

ALEJANDRO MURGUIDO, LUIS  
GOMES AND ALEXANDER  
MURGUIDO,

Defendants.

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**REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, ALEJANDRO MURGUIDO, by its undersigned counsel, pursuant to Fla.R.Civ.P. 1.350, requests the Plaintiff, **JAMES MCDONOUGH**, to produce the following documents, or copies thereof, within thirty (30) days of the service of this Request at the office of Defendant's attorneys, WEISS SEROTA HELFMAN COLE & BIERMAN, P.L. 200 E. Broward Boulevard, Suite 1900 Fort Lauderdale, Florida 33301:

1. Any and all documents you intend utilize at trial as an exhibit or for demonstrative purposes.
2. Any and all documents you intend utilize as an exhibit or for impeachment at any deposition and/or the trial of this cause.
3. All documents that refer to relate to any mental health examinations, reports or records of the Plaintiff for the past 10 years.
4. All documents that refer to relate to any court ordered or involuntary mental health examinations, reports or records of the Plaintiff for the past 10 years.
5. All documents that refer to relate to any proceeding in which the Plaintiff has been

the subject of a Baker Act and/or Marchman Act for the past 10 years.

6. All documents evidencing any complaint or reporting to any state or federal government agency(s) that refers to relates to any of the facts and/or incidents described in your complaint.

7. All documents sent to or received from the City of Homestead, or any of its agents, employees or representatives that refer to relate to any of the facts and/or incidents described in your complaint.

8. All video, photographs, movies, and/or audio recordings that refers to relates to any of the facts and/or incidents described in your complaint including any of the parties and/or witnesses in this matter.

9. All documents which refer or relate to your allegations in paragraphs “7” through “10” of the Second Amended Complaint including any written notes, diaries, logs electronic communications, emails, blogs, media posts or any other documents pertaining thereto.

10. All documents which refer or relate to your allegations in paragraph “11” of the Second Amended Complaint that relates to the allegation that “Plaintiff was unlawfully searched, and warned against filing a complaint for the detainment.”

11. All documents which refer or relate to your allegations in paragraph “15” of the Second Amended Complaint that relates to the allegation that “On December 27, 2012, January 24, 2013, and again on February 13, 2013, Plaintiff called HPD and Internal Affairs (IA), trying to file a complaint against Murguido for the retaliatory detainment”. This includes any cell phone records corroborating such calls.

12. All documents which refer or relate to your allegations in paragraph “17” of the Second Amended Complaint that relates to the allegation that “On February 15, 2013 Murguido, not acting within the scope of his employment filed a criminal complaint with Officer W. Marti of the MDPD.”

13. All documents which refer or relate to your allegations in paragraph "18" of the Second Amended Complaint that relates to the allegation that "Murguido stated that Plaintiff had unlawfully threatened him on October 29, 2012, while trespassing on his property, and that the Plaintiff had also entered his property and threatened him earlier on July 27, 2012. Those statements were false."

14. All documents which refer or relate to your allegations in paragraph "20" of the Second Amended Complaint that relates to the allegation that "On March 4, 2013 Murguido confirmed to Miami-Dade Police Officer Alvarez his earlier statement to Officer Marti from February 15, 2013, and identified photos of Plaintiff. This was not done in his official capacity as a Homestead Police Officer."

15. All documents which refer or relate to your allegations in paragraph "20" of the Second Amended Complaint that relates to the allegation that "On April 9, 2013, Murguido gave a sworn taped statement to Officer Alvarez, and reiterating his earlier accusations of Aggravated Stalking, Corruption Through Threats and Trespass."

16. All documents which refer or relate to your allegations in paragraph "25" of the Second Amended Complaint that relates to the allegation that "Murguido alleged that Plaintiff had yelled at and threatened him earlier on July 27, 2012. This statement is false as no personal contact occurred between the Plaintiff and Murguido in 2012 other than on October 29, 2012."

17. All documents which refer or relate to your allegations in paragraph "26" of the Second Amended Complaint that relates to the allegation that "The statements made on April 9, 2013 to Detective Alvarez were false."

18. All documents which refer or relate to your allegations in paragraph "28" of the Second Amended Complaint that relates to the allegation that "On April 15, 2013, Plaintiff was arrested on his property, based upon the false statements of the Defendants. This was

for Corruption Through Threats and Aggravated Stalking, both third degree felonies.”

19. All documents which refer or relate to your allegations in paragraph “34” of the Second Amended Complaint that relates to the allegation that “On August 20, 2014 in a retaliatory manner, Murguido contacted Detective Alvarez and again attempted to have the Plaintiff arrested for Stalking. The Plaintiff did not commit the actions complained of by Murguido.”

20. All documents which refer or relate to your allegations in paragraph “35” of the Second Amended Complaint that relates to the allegation that “The Defendants at all times relevant to this complaint were not in the performance of any official act, nor were they acting within the scope of their employment when they made the false statements.

21. All documents which refer or relate to your allegations in paragraph “36” of the Second Amended Complaint that relates to the allegation that “These statements were not privileged, were published to a third party, with malice, thereby damaging the Plaintiff, and intentionally inflicting substantial emotional distress through the tarnishing of his good name and reputation, both personally and professionally.”

22. All documents which refer or relate and/or which you rely upon to support any of the allegations in Count 1, paragraphs “37” through “46” of the Second Amended Complaint.

23. All documents which refer or relate and/or which you rely upon to support your claims for damages in Count 1 of the Second Amended Complaint including the claims for “Compensatory damages for the physical and mental injuries suffered” and “Any other remedy the Court deems appropriate.”

24. All documents which refer or relate and/or which you rely upon to support any of the allegations in Count 2, paragraphs “54” through “60” of the Second Amended Complaint.

25. All documents which refer or relate and/or which you rely upon to support your claims for damages in Count 2 of the Second Amended Complaint including the claims for “Compensatory damages for the physical and mental injuries suffered” and “Any other remedy the Court deems appropriate.”

26. Any and all documents evidencing any settlements with any persons or entities or insurance carriers resulting from the subject incident. This request includes without limitation any releases, settlement drafts, settlement agreements, correspondence evidencing the agreements or any other documents pertaining thereto.

27. Any and all photographs depicting any and all parties and/or witnesses, the accident scene involved, the scene and/or sites of the accident/incidents complained of.

28. All reports, evaluations, recommendations and/or analysis submitted by any expert which relate to or cover the accident/ incident which is the subject matter of this lawsuit and/or any injuries, damages or losses allegedly caused by the accident/ incident.

29. Copies of any and all medical reports and/or records from doctors, physicians (including chiropractors), hospitals, or anyone else of the healing arts who has rendered treatment to or examined the Plaintiff for the five year period prior to the herein accident/incident which is the subject matter of this lawsuit. (This would include both treating physicians as well as independent medical exams.)

30. Copies of any and all writings, recordings, memorandums, notes, depositions, and all other materials reflecting statements made by any agent or employee of the City of Homestead relating to this case.

31. Copies of any and all writings, recordings, memorandums, notes, depositions, and all other materials reflecting statements made by any Defendant relating to this case.

32. Legible copies of all applications filled out by the Plaintiff for insurance coverage which will pay for any of the damages and/or wages as alleged in the complaint.

This includes any health or disability insurance or any application for Social Security Disability.

33. Legible copies of any and all checks or other writings that indicate the amount of money, if any, that either Plaintiff has received as reimbursement for lost wages, medical bills (or other bills) from any collateral sources relating to any item of damages in this matter.

34. Legible copies of the front and back of any and all insurance identification cards, union employment identification cards which would depict the name, address, policy number, claim number, identification number or any insurance companies and/or employers which may have provided you with any benefits to compensate him for any of the damages that you are alleging as a result of the accident/incident, which is the subject matter of this lawsuit.

35. Copies of any and all life, health, or disability insurance policies covering the Plaintiff in this lawsuit that were in full force and effect on the date of the accident which is the subject matter of this lawsuit.

36. Copies of any and all statements taken of any witnesses (written or recorded) as a result of the accident/incident which is the subject matter of this lawsuit.

37. Any and all documents which support any of the claims for economic damages as alleged in your complaint.

38. "Statements", within the meaning and definitions in Rule 1.280(b), Florida Rules of Civil Procedure, of the City of Homestead and/or any agents or employees of the City of Homestead or any of the Defendants herein.

39. "Statements", within the meaning and definitions of Civil Procedure, of any and all Defendants, third person and/or witnesses to the incident.

40. All of the tangible things within the possession, custody, or control of the

Plaintiff herein upon which the claims and defenses herein are based.

41. Any and all charts, photographs, movies, slides, film, video tape, phonograph records and other recording devices, which refer or relate to any of your claims.

42. All ordinances, regulations, rules, statutes, customs, practices, and publications which pertain to this matter.

43. All documents and items specified in your Answers to Interrogatories.

44. Copies of any "Mary Carter" Agreements or settlement agreements entered into by you or on your behalf with any other Defendant, person, firm or corporation.

45. Any and all documentation reflecting collateral source payments to the Plaintiff or for the benefit of the Plaintiff for medical expenses, hospital expenses, therapy expenses and/or lost wages.

46. All police reports filled out in conjunction with any of the incidents described in your complaint.

47. All fire rescue and ambulance records and reports related to any medical condition that you claim is related to any of the incidents described in your complaint.

48. Any and all applications, insurance policies, files, records, letters, notes, and/or other written communications which pertain to any claim or element of your damages..

49. Any and all letters, memorandums, and/or other written communications between the Plaintiff and City of Homestead or any of the Defendants and/or third parties or their respective agents, or attorneys that refer to relate to any issue in the subject lawsuit.

50. Any and all invoices, receipts, statements, bills, cancelled checks, and/or other documentation which supports the alleged damages of the Plaintiff which are being sued upon.

51. All diaries, journals, notes or memoranda kept by Plaintiff as a result of this injury which delineate, describe, or mention his injury, pain, discomfort or ailment.

52. All diaries, journals, notes and memoranda kept by Plaintiff as a result of the alleged incident, which delineate or refer to any expenses or damages incurred by Plaintiff as a result of the incident.

53. All films, video recordings, or audiotapes of the Plaintiff concerning his pain, suffering, mental anguish, injury, or discomfort.

54. If Plaintiff has filed a petition for bankruptcy during the time period of one year prior to the accident up until the present time, please produce the entire bankruptcy file including all petitions, schedules and discharge notices.

55. Copies of Plaintiff's federal and state income tax returns for each of the five years preceding the incidents described in your complaint and all returns filed through the date of this request. If You do not have possession or control of any such returns, please produce an executed Internal Revenue Service ("IRS") Form 4506, "Request for Copy of Tax Return;" a copy of the form will be provided by the undersigned upon request.

56. Any and all statements, documents, correspondence, charts, or other writings of any type taken from Plaintiff's employers and/or their agents pertaining to employment, wage loss, loss of future earning capacity or the loss of the ability to earn money in the future, which would support the allegations in the complaint.

57. Any and all payroll records, income statements, wage verification forms, or other documentary evidence concerning Plaintiff's lost earnings or loss of future earning capacity.

58. Copies of all medical records, reports and bills in the possession of the Plaintiff or his attorneys, which the Plaintiff claims to be related to the accident in question.

59. Records, reports and bills from or business cards of all health care providers which the Plaintiff has seen since 2011 for any reason whether related to the accident or not.

60. All prescription vials or copies of prescription vial labels, or other records of all medications, whether prescription or not, which the Plaintiff is now taking on a regular basis,



and/ or was taking since 2011.

61. Records of all income, including private and public benefits, received since 2011, from whatever source.

62. Records of all prior injuries and accidents, whether on the job or not, including but not limited to, Motor Vehicle Accident Reports &/ or First Report of Injuries.

63. Records of all subsequent injuries and accidents, whether on the job or not, including but not limited to, Motor Vehicle Accident Reports.

64. Copies of all Social Security and unemployment checks, check stubs and any and all documentation reflecting receipt of Social Security, Social Security Disability or unemployment benefits since 2011 and the amount thereof.

65. Copies of all Social Security Disability applications and/or appeals since 2011.

66. All Documents relating to any civil lawsuit, criminal charge, or administrative charge or complaint filed by or against You in the past ten (10) years.

67. All Documents relating to any complaints, formal or informal, that You have made, filed, or caused to be filed within the past ten (10) years against any person and/or entity including but not limited to allegations of discrimination, harassment, retaliation, and/or any similar claims alleged in your complaint.

68. If You intend to seek punitive damages in this matter, all Documents that You contend support Your claim for punitive damages.

### Social Media Requests

Definitions: All online social media sites and communications shall include, but is not limited to Facebook, Twitter, YouTube, LinkedIn and MySpace and/or any other media postings or communications made by the Plaintiff.

69. An electronic copy of all online social media and/or other media postings, online forums, communications by plaintiff including all public and private profiles, postings,

messages, status updates, wall comments, causes joined, groups joined, activity streams, applications, blog entries, photographs, or media clips, as well as third-party online social media communications that place plaintiff's own communications in context from January 1, 2012 to the present. Please provide an electronic copy of this information, or a hard copy to the extent an electronic copy is not available. This request specifically includes without limitation any responsive materials that refers or relates to any element of your damages, any of your claims, any of the witnesses who have knowledge of any of your claims, damages or the Defendants in this cause.

70. An electronic copy of Plaintiffs complete Facebook history, including any and all public and private profile information, postings, pictures, and data available pursuant to Facebook's "Download Your Own Information" feature. Please provide an electronic copy of this information, or a hard copy to the extent an electronic copy is not available.

71. An electronic copy of any online social media sites, online forums, and communications including but not limited to all updates, changes, or modifications of Plaintiffs profile, any photographs or videos posted by Plaintiff or anyone on Plaintiffs behalf, all status updates, messages, wall comments, causes joined, groups joined, quizzes taken, activity streams, blog entries, details, blurbs, comments, and applications for the period from January 1, 2012 to the present. Please provide an electronic copy of this information, or a hard copy to the extent an electronic copy is not available. This request specifically includes without limitation any responsive materials that refers or relates to any element of your damages, any of your claims, any of the witnesses who have knowledge of any of your claims, damages or the Defendants in this cause.

72. All emails or text messages relating to any allegations in your complaint, any employee, agent or representative of the City of Homestead, any allegations in your Complaint, your criminal prosecution, or any complaint with any government agency

relating to this matter.

73. All online profiles, postings, messages (including, without limitation, tweets, replies, retweets, direct messages, status updates, wall comments, groups joined, activity streams and blog entries), photographs, videos, and online communications that:

- \* refer or relate to the allegations set forth in Your Complaint;
- \* reveal, refer or relate to any emotion, feeling or mental injury based on the allegations in the Complaint; or
- \* reveal, refer or relate to any alleged damage to your reputation as alleged in your Complaint.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served using the Florida Courts e-Filing Portal on June 8, 2017, to Alan J. Greenstein, Esq., Attorney for Plaintiff, agreenstein004@hotmail.com, Dade Towers, 9200 S. Dadeland Blvd., Suite 308, Miami, FL 33156, and to John A. Jabro, Esq., Attorney for Defendant, Luis Gomez, 90311 Overseas Hwy Ste B, Tavernier, FL 33070-2301 jjabro@aol.com .

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BY: /s/ Eric Stettin  
ERIC L. STETTIN, ESQ.  
FLA. BAR NO: 0831697

